

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MICHAEL SEWARD SUTTON,

Plaintiff

v.

NOKIA CORPORATION

and

NOKIA INC.,

Defendants.

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CAUSE NO. 6:06-CV-514 (LED)

JURY TRIAL DEMANDED

PLAINTIFF'S UNOPPOSED MOTION TO DISMISS

Plaintiff, MICHAEL SEWARD SUTTON (hereinafter "Plaintiff"), moves this Court for a dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

On or about November 28, 2006, Plaintiff filed this action against the Defendants. Defendants, who have answered, do not oppose the dismissal provided that they are not deemed to waive, with respect to this action or any subsequent action, any defense or matter (including an accounting for costs and attorneys fees) that they have brought or could have brought in the present action. Plaintiff has not dismissed an action based on or including the same claims as those presented in this suit.

Accordingly, Plaintiff now moves the Court to dismiss the suit without prejudice.

Dated May 8, 2007.

Respectfully submitted,

By: /s/Andy Tindel w/permission of Lead Attorney

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

The undersigned certifies that the Plaintiff has conferred in good faith with Defendants and Defendants do not oppose the dismissal provided that they are not deemed to waive, with respect to this action or any subsequent action, any defense or matter (including an accounting for costs and attorneys fees) that they have brought or could have brought in the present action.

/s/ Andy Tindel _____
Andy Tindel

CERTIFICATE OF SERVICE

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per E. Dist. Tex. Loc. Ct. R. CV-5(a)(3) on the 8th day of May, 2007.

/s/ Andy Tindel _____
Andy Tindel